

## **New Jersey**

N.J.S.A. 2C:58-4.4 - Unlawful carrying of handgun; duty to disclose to law enforcement b.” Any person who is carrying a handgun in public or in a vehicle pursuant to a permit issued under N.J.S.2C:58-4 shall, during any direct encounter with a law enforcement officer in the officer’s official capacity, including, but not limited to, a motor vehicle stop or in connection with a criminal investigation, immediately disclose to the law enforcement officer that the person is carrying a handgun and shall display the permit to carry a handgun issued pursuant to N.J.S.2C:58-4. If the person is carrying a handgun in public or in a vehicle, whether openly or concealed, the person shall also disclose the location of the handgun. In the case of a criminal investigation, the person shall surrender the handgun to the law enforcement officer upon demand for purposes of inspection of the permit and the handgun. A person who violates the provisions of this subsection by failing to disclose to a law enforcement officer that the person is carrying a handgun shall be guilty of a crime of the fourth degree. A person who violates the provisions of this subsection by failing to display a valid permit to carry a handgun issued pursuant to N.J.S.2C:58-4 shall be guilty of a disorderly persons offense for a first offense and a crime of the fourth degree for a second or subsequent offense.”

### **Commentary**

If you are transporting an unloaded handgun (e.g., in a locked container, separate from ammunition, as required by N.J.S.A. 2C:39-6 for lawful transport without a carry permit), the duty to inform under N.J.S.A. 2C:58-4.4(b) may not apply, being that you are not carrying “pursuant to a permit issued under N.J.S.2C:58-4”, i.e. IF you are on the way from one property you own and are traveling to the range or to another property you own. If you are traveling freely, that justification would necessarily not work.

## **NEW YORK**

NYPL § 400.00 - Licenses to carry, possess, repair and dispose of firearms

8. License: exhibition and display. Every licensee while carrying a pistol or revolver shall have on his or her person a license to carry the same. Every person licensed to possess a pistol or revolver on premises only shall have such license in his or her possession at all times while such pistol or revolver is on such premises. Whenever such a licensee is required to exhibit such license to a police officer, peace officer or a magistrate, he or she shall exhibit such license and failure to so exhibit such license shall be presumptive evidence that he or she is not duly licensed.

### **Commentary**

New York does not have an explicit statutory “duty to inform” requiring proactive disclosure of a concealed firearm during a police encounter (unlike New Jersey’s N.J.S.A. 2C:58-4.4(b)). However, NYPL § 400.00(8) requires permit holders to exhibit their license upon request, meaning you must present it if an officer asks during an encounter.

JULY 2025

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